

REMARKS

Claims 1-9 are all the claims pending in the application. By this Amendment, Applicant amends claim 1 to further clarify the invention and amends claim 6 to include the features of claim 7. Accordingly, Applicant cancels claim 7 without prejudice or disclaimer.

I. Preliminary Matters

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and for indicating receipt of the certified copy of the priority document. Applicant also thanks the Examiner for returning the initialed form SB/08 submitted with the Information Disclosure filed on October 31, 2003.

Applicant respectfully requests the Examiner to indicate acceptance of the drawing figures filed on June 23, 2003.

II. Summary of the Office Action

The Examiner rejected claim 7 under 35 U.S.C. § 112, first paragraph and claim 1 under 35 U.S.C. § 112, second paragraph. Claims 1-9 are rejected under 35 U.S.C. § 103(a).

III. Claim Rejections under 35 U.S.C. § 112, first paragraph

Claim 7 is rejected under 35 U.S.C. § 112, first paragraph. Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

With respect to the original claims, MPEP § 2163.I(A) recites "[t]here is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976).” Accordingly, since claim 7 is the original claim, there is a strong presumption that it is

adequately supported. Furthermore, claim 7 is now canceled rendering this rejection moot.

Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 7.

IV. Claim Rejections under 35 U.S.C. § 112, second paragraph

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph. Applicant has amended claim 1 and respectfully requests the Examiner to withdraw this rejection in view of the self-explanatory claim amendment being made herein.

V. Claim Rejections under 35 U.S.C. § 103

Claims 1-4 and 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,526,418 to Midgley et al. (hereinafter “Midgley”) in view of U.S. Patent No. 7,093,135 to Radatti et al. (hereinafter “Radatti”). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Of these rejected claims, only claims 1 and 6 are independent. Independent claims 1 and 6 *inter alia* and in some variation recite: wherein receipt of data from the data communications network is limited to the first computer; wherein transmission of data to the data communications network is limited to the second computer, wherein at least an initial processing of the data received from the data communications network is limited to the first computer; and wherein the first computer is configured to transmit to and store in the second computer non-verified or non-verifiable data received by the first computer only in non-processable form.

In an exemplary, non-limiting embodiment, the computer system has two parallel computers, which have practically the same hardware structure and which are configured with the same software. To achieve the required security, receiving data from the data communications network and at least the initial processing of the received data is limited to the

first computer, while transmitting data to the data communications network is limited to the second computer. This can be achieved by a hardware or software transmission block or reception block, respectively. Instead of the transmission block, it may also be provided, for example, that only received data can be stored in the first computer, so that it is impossible to transmit any data other than the received data. Within the context of the initial processing of the received data, which is limited to the first computer, the received data can be verified. Therein, the second computer can accept and store only verified data in unlocked, i.e., processable form. Unverified or non-verifiable data received by the first computer are accepted by the second computer only in locked (encapsulated), i.e., non-processable form. The locked data can neither be opened nor processed in the second computer but can only be transmitted by the second computer.

This makes it possible to ensure that the second, redundant computer, which is prevented by hardware or software means from receiving data from the data communications network, remains free from computer viruses. In addition, no computer viruses can be transmitted to the outside world when data is being sent nor can data be fetched or corrupted by so-called Trojan horses. If the first computer is infected with computer viruses because of data received from the data communications network, then this infection is immediately detected when the two computers are matched. In this case, the first computer can be restored to a virus-free state by copying the state of the second computer onto the first computer, without any data or previously performed work being lost.

It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

The Examiner contends that Midgley discloses the above-noted unique features of claims 1 and 6 in col. 4, line 29 to col. 5, line 3 (*see* page 4 of the Office Action). Applicant respectfully disagrees. Col. 4, line 29 to col. 5, line 3 of Midgley recite:

In another aspect, the invention can be understood as a process for creating backup files for a plurality of data files stored on a server on a computer network. The process may comprise selecting at least one of the plurality of data files on the server as a source data file that is to be replicated as a target data file on the backup server. In a further action, the process may synchronize the source data file on the server with the target data file on the backup server by replicating each of the source data files as a target file on the backup server, and for each source data file the process may monitor server activity to identify associated file access operations that occurs on the data server and recording detected changes within in a journal file. In another action, the process may write detected changes recorded in the journal file to respective ones of the target data file, for maintaining the target data files as replicated copies of the source data files. In this process, selecting the data files can include grouping two or more of the files together into a transactional set and identifying of the transactional set a transaction status which is representative of the backup state of this group of data files. Further when synchronizing the source data files, an image signal may be generated for a data structure on the server that is associated with the source data files mounted therein, wherein the image signal is representative of a state of the data structure. The process for generating the image signal may include applying a hash process, CRC process, or other suitable process to metadata associated with the data structure. The metadata may comprise the size of the files and the directories, the size of the directory, the names of the directories, the names and files in the directories, the date and time information associated with the creation of the directory or source file in the directory or the time in which files were edited in the directory and the open or close status within the directory. The synchronizing mechanism may than build an image signal for the data structure that is representative of a portion of the directories maintained on the server, and may compare the image signal to a corresponding image signal that is either stored or created on the backup server to detect a change in the state of the data structure or in the state of a portion of the data structure. This can happen at the directory level, the file level, the data block level, and the byte level.

As is visible from the above-quoted passage, Midgley discloses a storage system 14 and a back up storage system 12. However, in Midgley, there is no disclosure or suggestion that one storage system can only send the data to the communication network and the other storage system can

only receive the data from the same communication network. In Midgley, there is no disclosure or suggestion that the storage system 14 can only receive and not transmit the data to the communication network or vice versa. In short, Midgley reference fails to disclose that receipt of data from the data communications network is limited to the first computer and transmission of data to the data communications network is limited to the second computer wherein at the same time the first computer is that to which at least an initial processing of the data received from the data communications network is limited. Midgley is not different from the conventional techniques where a first computer is a sender and a second computer is a receiver. However, there is no disclosure or suggestion that the first and second computers are limited to these functions. Radatti does not cure the above-identified deficiencies of Midgley.

For at least these exemplary reasons, claims 1 and 6 are patentable over the prior art of record. Claims 2-4 and 8 are patentable at least by virtue of their dependency on claims 1 and 6, respectively.

Claims 5 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Midgley and Radatti in view of U.S. Patent No. 5,799,323 to Mosher, Jr. et al. (hereinafter “Mosher”). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Claims 5 and 9 depend on claims 1 and 6, respectively. Applicant has already demonstrated that Midgley and Radatti do not meet all the requirements of independent claims 1 and 6. Mosher does not compensate for the above-identified deficiencies of Midgley and Radatti. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claims 1 and 6.

Since claims 5 and 9 depend on claims 1 and 6, respectively, they are patentable at least by virtue of their dependency.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the**

Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below to schedule an Interview.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Nataliya Dvorson/
Nataliya Dvorson
Registration No. 56,616

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 20, 2007